



mental welfare  
commission for scotland

**Easy read**

# **AWI monitoring 2023-24**



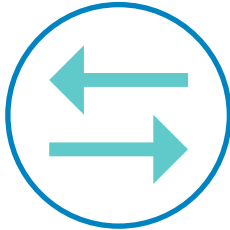


## **The law**

There is a law in Scotland called the Adults with Incapacity (Scotland) Act 2000 (the AWI Act).



The AWI Act is a law to protect adults over the age of 16 years who cannot make some or all decisions for themselves.



The AWI Act says that guardians or attorneys can make decisions for these people.



Decisions by attorneys or guardians must always be in line with the rules of the AWI Act.



Most guardians know the person, they are usually a relative, carer or a friend. This is called a private guardian.



Sometimes, a person is not able to make a decision for themselves and they don't have an attorney.



The court may allow someone called a welfare guardian to make decisions for that person. This is called a local authority guardianship order.



A welfare guardian can make important decisions about the person's medical care.



## **We are the Mental Welfare Commission for Scotland**

We work to make sure that people who are protected by the AWI Act are being looked after properly.



One way we do this is by writing a report every year.

This report is called a monitoring report.



We write the monitoring report based on:

- information that we collect from every welfare guardianship order application
- what people tell us when we visit them



The monitoring report shows what has happened over the last year and compares it to the years before.



### **What we found this year**

There were 19,078 people on a guardianship order on 31 March 2024 in Scotland.

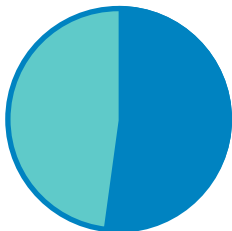
The number of guardianship orders has gone up from the same day last year.



Over the last ten years the number of people on guardianships in Scotland has doubled.



In 2023-24, most guardianships were private orders. This means the guardian is someone the person knows.



Almost half of all guardianships were for someone with a learning disability.



## What we found from visiting people

In 2023-24 we visited 327 people who had a guardianship order.



For almost all our visits, we met and spoke to people in person (not on the phone or on video call).



Most of those visits were routine. Some visits we made because concerns had been raised.



For most of our visits we gave advice or took more actions to help.



Someone from the council should help all welfare guardians. This person is called a supervising officer.



The supervising officer should visit the person and their guardian regularly.



We found that most people with a private order had a supervising officer from the council.



## **What happens next**

We send the report to the Scottish Government, and health boards and councils in Scotland.



They can see how the numbers of people who are on guardianships are increasing.

This helps with planning and getting the right support in place for people and their carers.



- We will carry on working with councils to help support people subject to guardianship orders.
- We will support organisations to work to the principles of the AWI Act.
- We are also working with NHS Education for Scotland to help health and care staff understand the law better.





## **What does the Mental Welfare Commission do?**

It is the Mental Welfare Commission's job to make sure that the law is used properly to look after people.

**We make sure people's rights are protected.**

The Commission is independent.

This means it does not work for another organisation.



We give advice to the Scottish Parliament about making things better for people with mental health problems, learning disabilities, dementia and other related conditions.



We visit people in hospitals, care homes and at home to make sure their rights are being respected and they are getting proper care and treatment.



If we think someone is not getting the right care and treatment we can look into it. Most of the time we do this by talking or writing to people.



Sometimes if things have gone badly wrong we look into it to make sure things change and to stop it happening again.



We use what we learn to help services and government policies to change and be better.



We give advice on the laws that affect people with mental health problems, learning disabilities, dementia and other related conditions.



We check how services use the laws.

We tell people what is working well.

We have guidance to help professionals, people who use services, families and carers.



## Get in touch with us

You can talk to us confidentially.

This means we will not tell anyone what you have said:

- unless we are worried about your safety or the safety of other people.
- unless we have asked you.



Call Freephone:

0800 389 6809

email:

[mwc.enquiries@nhs.scot](mailto:mwc.enquiries@nhs.scot)



Write to:

Mental Welfare Commission  
for Scotland,  
Thistle House,  
91 Haymarket Terrace,  
Edinburgh EH12 5HE



Do you use British Sign  
Language?

You can use the  
ContactScotland online  
interpreting service.



You can find out more  
about the Mental Welfare  
Commission and our work at:  
[www.mwcscot.org.uk](http://www.mwcscot.org.uk)